

1 State of New Hampshire Banking Department

2 In re the Matter of:)
)
 3 New Hampshire Banking Department,) Case No.: No. 08-116
)
 4 Petitioner,)
) Order for Default Judgment
 5 and)
)
 6 Montgomery Mortgage Capital)
)
 7 Corporation, Alex E. Gemici, and Paul)
)
 8 F. Loiacono,)
)
 9 Respondents)
)

10 Default Judgment

11 The Commissioner of the New Hampshire Banking Department
 12 ("Department") issued an Order to Show Cause against the Respondent
 13 Montgomery Mortgage Capital Corporation ("Respondent Montgomery Mortgage"),
 14 Respondent Alex E. Gemici ("Respondent Gemici") and Respondent Paul F.
 15 Loiacono ("Respondent Loiacono") on June 5, 2009 via U.S. Certified Mail
 16 Return Receipt requested. The Order to Show Cause was returned to the
 17 Department on June 15, 2009 and the Commissioner took service on June 23,
 18 2009. Respondents were somehow informed they had this outstanding Order to
 19 Show Cause. Respondent Loiacono then agreed on September 24, 2009 to pay
 20 any outstanding fees with a first payment of \$1,000.00 and a second and
 21 final payment of \$1,150.00. With a generous viewpoint of the time required
 22 to either request a hearing or reach a settlement, the Respondents had
 23 thirty (30) days from September 24, 2009 to request a hearing or reach a
 24 settlement with the Department. The Respondents failed to request a hearing
 25 or reach a final settlement with the Department by executing a settlement
 agreement on or before October 24, 2009 (which is thirty days from September

1 24, 2009) as required to avoid Default. As of October 9, 2009, Respondents
2 have failed to respond to Department communications with them.

3 It is hereby ORDERED, that:

- 4 1. By operation of law, a default judgment was entered against
5 Respondents on October 25, 2009;
- 6 2. The allegations contained in the June 5, 2009 Order to Show Cause are
7 hereby deemed true;
- 8 3. Respondent Montgomery Mortgage shall immediately pay to the Department
9 an administrative fine for five (5) violations of RSA Chapter 397-A in
10 the amount of \$12,500.00;
- 11 4. Respondent Gemici shall immediately pay to the Department an
12 administrative fine for eight (8) violations of RSA Chapter 397-A in
13 the amount of \$20,000.00;
- 14 5. Respondent Loiacono shall immediately pay to the Department an
15 administrative fine for eight (8) violations of RSA Chapter 397-A in
16 the amount of \$20,000.00;
- 17 6. Respondent Montgomery Mortgage shall immediately pay to the Department
18 the outstanding exam invoice totaling \$500.00;
- 19 7. Respondent Montgomery Mortgage shall immediately pay to the Department
20 \$27,150.00 for the failure to file expanded examination materials;
- 21 8. Each of the above named Respondents shall be jointly and severally
22 liable; and

